

# HOUSE JOURNAL

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SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SECOND DAY — WEDNESDAY, JANUARY 11, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 2).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Siebert; Smithee; Solis; Solomons; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Clemons; Combs; Davila; Hightower; Kuempel; Patterson.

Absent — Bomer; Horn; Reyna; Shields; Wilson.

The invocation was offered by Gerald Mann, pastor, Riverbend Church, Austin, as follows:

Our Father, let this house be filled with "Gentlers and Kinders"...and let the Cowboys beat the Forty-Niners. Amen.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business:

Kuempel on motion of Holzheuser.

Hightower on motion of Stiles.

The following member was granted leave of absence for today because of important business in the district:

Combs on motion of Siebert.

The following member was granted leave of absence for today because of illness in the family:

Patterson on motion of Stiles.

The following member was granted leave of absence for today because of a death in the family:

Clemons on motion of Johnson.

The following member was granted leave of absence for today because of personal business:

Davila on motion of Siebert.

### **CAPITOL PHYSICIAN**

Speaker Laney presented Dr. J. H. Frederick of San Antonio as the "Doctor for the Day."

The house welcomed Dr. Frederick and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **MESSAGE FROM THE SENATE**

Austin, Texas, January 11, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**SCR 8** by Leedom, providing for a joint committee to canvass the votes cast for governor and lieutenant governor....

**SCR 9** by Truan, granting permission that either house may adjourn for more than three days....

**SCR 10** by Barrientos, recognizing J. J. "Jake" Pickle....

**SCR 11** by Whitmire, granting the Texas DeMolay Association permission to use the chambers....

Respectfully,  
Betty King  
Secretary of the Senate

### **SCR 8 - ADOPTED (Craddick - House Sponsor)**

The speaker laid before the house the following resolution:

#### **SCR 8**

BE IT RESOLVED by the 74th Legislature, Regular Session, That a joint committee, composed of five members of the senate appointed by the lieutenant governor and five members of the house appointed by the speaker of the house, arrange for the canvass of the votes cast for governor and lieutenant governor

at the general election held on the first Tuesday in November, 1994, and that a joint session of the senate and house be held in the hall of the house of representatives at 2 p.m., Monday, January 16, 1995, for the purpose of counting the votes, receiving the report, and hearing the declaration of the results of the canvass; and, be it further

RESOLVED, That the senate and house sit in joint session at 12 noon on Tuesday, January 17, 1995, for the inauguration of the governor-elect and lieutenant governor-elect of Texas as determined by the canvass of the votes; and, be it further

RESOLVED, That a joint committee, composed of five members of the senate appointed by the lieutenant governor and five members of the house appointed by the speaker of the house, make arrangements for the joint session and oath-taking ceremony on January 17, 1995; and, be it further

RESOLVED, That the State Purchasing and General Services Commission be, and is hereby, instructed to close all entrances to the Capitol on Tuesday, January 17, 1995, except for those vehicles approved by the inaugural committee as necessary for use in connection with the ceremony and the program following.

The resolution was adopted without objection.

### **COMMITTEES APPOINTED**

The speaker announced the appointment of the following inaugural committee: Craddick, chair, Delisi, Driver, Goolsby, and Hilderbran.

The speaker announced the appointment of the following committee to canvass the votes for governor and lieutenant governor: Hilbert, chair, Danburg, Haggerty, Horn, and Oakley.

### **SCR 9 - ADOPTED (Black - House Sponsor)**

The speaker laid before the house the following resolution:

#### **SCR 9**

WHEREAS, Article III, Section 17, of the Texas Constitution provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 74th Legislature, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, January 11, 1995, and ending on Monday, January 16, 1995.

The resolution was read and was adopted without objection.

### **HCR 21 - ADOPTED**

The speaker laid before the house the following resolution:

By Finnell,

**HCR 21**, Paying tribute to the life of John Bowden Connally, Jr.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Craddick, the names of all the members of the house were added to **HCR 21** as signers thereof.

**HR 34 - ADOPTED**

The speaker laid before the house the following resolution:

By Brimer,

**HR 34**, Paying tribute to Winston Epting on his 80th birthday.

The resolution was adopted without objection.

**SCR 10 - ADOPTED  
(Greenberg - House Sponsor)**

The speaker laid before the house the following resolution:

**SCR 10**, Expressing appreciation for the superior accomplishments of J. J. "Jake" Pickle.

The resolution was adopted without objection.

(Horn now present)

**HR 35 - ADOPTED**

The speaker laid before the house the following resolution:

By Junell,

**HR 35**

WHEREAS, Proceedings were initiated by Bernard Erickson to contest the election of Arlene Wohlgemuth to the office of state representative, District 58; and

WHEREAS, Pursuant to the Election Code, Speaker James E. "Pete" Laney appointed a master of discovery for the election contest on December 21, 1994, and a Select Committee on Election Contest on December 21, 1994, to begin consideration of the contest; and

WHEREAS, Pursuant to the Election Code, Speaker James E. "Pete" Laney has appointed a master of discovery for the election contest and a Select Committee on Election Contest to continue consideration of the contest; now, therefore, be it

RESOLVED, That the Select Committee on Election Contest has all powers and duties not inconsistent with the Election Code that are conferred on standing committees of the house by the rules of the house and by the Legislative Reorganization Act of 1961 (Subchapter B, Chapter 301, Government Code); and, be it further

RESOLVED, That the select committee use the Texas Rules of Civil Procedure and the Texas Rules of Evidence as guidelines in its proceedings, subject to changes in those rules or limitations imposed by the committee; and, be it further

RESOLVED, That the select committee may meet while the house is in session.

The resolution was read and was adopted without objection.

**PROCLAMATION BY THE SPEAKER**

The speaker requested the reading clerk to read the following proclamation:

As speaker of the house, acting under the authority of Chapter 241, Election Code, I hereby appoint a special select committee to continue to hear the contest of the election for state representative, District 58, that was held November 8, 1994, and appoint Representative Curtis Seidlits to continue to serve as master of discovery in that contest.

The committee shall continue its investigation of the issues raised by the contest in accordance with Chapters 221 and 241, Election Code, and report to the house of representatives in accordance with that law. The master shall continue to supervise discovery proceedings in accordance with Chapter 241, Election Code, and perform any other assigned duties in assisting the select committee and the house of representatives in disposing of the contest in accordance with Chapters 221 and 241, Election Code.

An order, ruling, finding, or other determination issued or made by either the select committee or the master in this contest before the convening of the 74th Legislature is continued in effect.

The following members are hereby appointed to continue to serve on the select committee:

Robert Junell, Chair  
Toby Goodman, Vice Chair  
Debra Danburg  
Susan Combs  
Karyne Conley  
Tom Craddick  
Pete Gallego  
Tony Goolsby  
D. R. "Tom" Uher

James E. "Pete" Laney  
Speaker

(Wilson now present)

#### ADJOURNMENT

Representative Berlanga moved that the house adjourn until 1:00 p.m. Monday, January 16, in memory of Matilde Mendez Aguilar.

The motion prevailed without objection.

The house accordingly, at 10:31 a.m., adjourned until 1:00 p.m. Monday, January 16.

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